UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

LEUMAL FRED HENTZ,   Case No. 2:19-cv-01651-MC

        Plaintiff,   ORDER

        v.

SNAKE RIVER CORRECTIONAL
INSTITUTION, et al.,

        Defendants.

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MCSHANE, District Judge:

Plaintiff, an inmate at the Snake River Correctional Institution (SRCI), filed this action

pursuant to 42 U.S.C. § 1983 and alleged various violations of his federal constitutional rights.

Before the Court are several pending motions filed by plaintiff.

    1. Motion to Compel the Production of Documents

Plaintiff requests that the defendants be ordered to produce documents requested in

plaintiff's First and Second Requests for Production of Documents. Plaintiff's motion reflects

that defendants have produced the majority of the documents requested. The remaining requests

seek documents that are irrelevant to the claims alleged, confidential (such as personnel files and

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medical records for other inmates), or overbroad and burdensome (such as all emails and communications during a three-year period). Accordingly, plaintiff's Motion to Compel is denied.

2.   Plaintiff's Motion to Dismiss

Plaintiff moves to dismiss the Jane and John Doe defendants from this action. Plaintiff has not identified these defendants, and his motion is granted.

3.   Motion for Extension of Time

Plaintiff seeks an extension of time in which to respond to defendants' Motion for Summary Judgment, due to COVID-19 restrictions that make it difficult for plaintiff to schedule time in the law library. While the Court appreciates plaintiff's need for additional time, it is notable that plaintiff has been able to file numerous motions during the last few months. Plaintiff's motion is granted. The Court is not inclined to allow further extensions absent a greater showing of cause.

4.   Motion for Leave to File Amended Complaint

Plaintiff moves to leave to file an Amended Complaint. The motion is denied. Plaintiff's motion is untimely and prejudicial, as defendants' Motion for Summary Judgment has been pending since March. Further, amendment would be futile, as the proposed retaliation and legal access claims are encompassed within plaintiff's original allegations, and plaintiff's allegations do not support the proposed claims for disability discrimination.

5.   Motion for Relief from FRCP 36

Plaintiff requests that he be permitted to submit Interrogatories to defendants. This motion is denied. The proposed Interrogatories do not seek information that cannot be gleaned

from the face of pertinent regulations or documents. Further, plaintiff's request is untimely, as it was filed almost six months after defendants filed their motion for summary judgment.

If plaintiff requires certain information to adequately respond to defendants' motion for summary judgment, plaintiff shall, *within his response to defendants' motion*, describe the information sought with specificity and explain why such information is necessary.

6.   Motion for Clarification and Status of the Case

Plaintiff seeks clarification regarding his motions and a status of the case. The motion is granted, to the extent that this Order serves as the clarification and update requested by plaintiff.

7.   Motion for Appointment of Counsel

Finally, plaintiff seeks the appointment of counsel. Plaintiff has not shown that this is an exceptional case warranting the appointment of volunteer counsel. The motion is denied.

CONCLUSION

Plaintiff's Motions to Compel, for Leave to File an Amended Complaint, For Relief From FRCP, and for Appointment of Counsel (ECF Nos. 20, 27, 30, 32) are DENIED.

Plaintiff's Motions to Dismiss, for Extension of Time, and for Clarification and Case Status (ECF No. 24, 25, 31) are GRANTED.

The Jane and John Doe defendants and the claims against them are DISMISSED from this action. Plaintiff's response to defendants' Motion for Summary Judgment is due on or before December 14, 2020. No further extensions shall be granted absent a showing of good cause.

IT IS SO ORDERED.

DATED this 13th day of October, 2020.

s/ Michael J. McShane
Michael J. McShane
United States District Judge

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